

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION

BELENDIA JONES

PLAINTIFF

VS.

CIVIL ACTION NO. 3:17-CV-120-WHB-JCG

HINDS COUNTY SHERIFF VICTOR MASON,
IN HIS INDIVIDUAL CAPACITY, AND
HINDS COUNTY, MISSISSIPPI

DEFENDANTS

EXPEDITED CONSIDERATION REQUESTED

**SHERIFF VICTOR MASON AND HINDS COUNTY, MISSISSIPPI'S
MOTION TO QUASH AND FOR PROTECTIVE ORDER**

Come now, Defendants, Sheriff Victor Mason ("Sheriff Mason") and Hinds County, Mississippi ("Hinds County"), by and through counsel, and file this Motion to Quash and for Protective Order as follows:

1. On September 26, 2018, the Plaintiff filed a Notice of Intent to Serve Subpoena to Testify at a deposition on Jamie Lyles which required Jamie Lyles to appear for a deposition on October 3, 2018 at 11:00 a.m. *See CM/ECF Doc. No. 30.*
2. The next day, September 27, 2018, Plaintiff filed a Notice of Deposition of Janie Myles unilaterally setting the deposition of Janie Myles for October 3, 2018 at 9:00 p.m. *See CM/ECF Doc. No. 32.*
3. Later that same day, the Plaintiff filed a Re-Notice of Deposition of Janie Myles unilaterally setting the deposition of Janie Myles for October 3, 2018 at 2:30 p.m. *See CM/ECF Doc. No. 37.*

4. Most recently, on October 1, 2018, Plaintiff filed a Re-Notice of Intent to Serve Subpoena on Janie Myles which required Jamie Myles to appear for a deposition on October 3, 2018 at 2:30 p.m. *See CM/ECF Doc. No. 38.*

5. Notably, Janie Myles is an employee of Hinds County, who, in the nearly two (2) years since this lawsuit was filed, has never been mentioned in discovery. *See Plaintiff's Responses to Interrogatories* attached hereto as **Exhibit A**. Moreover, three (3) other depositions are already noticed for the same date and are anticipated to take a significant amount of time, if not, all day. *See CM/ECF Doc. Nos. 27¹, 33 & 35.*

6. Also, on October 1, 2018, Plaintiff filed a Notice of Intent to Serve Subpoena on Jacoby Cowan which directs Jacoby Cowan to appear for a deposition on October 3, 2018 at 3:30 p.m. *See CM/ECF Doc. No. 39.*

7. Subsequently, Plaintiff filed a Notice of Deposition of Jacoby Cowan. *See CM/ECF Doc. No. 41.*

8. Rule 30 of the Federal Rule of Civil Procedure provides that a party "desiring to take the deposition of any person upon oral examination shall give reasonable notice in writing to every other party to the action." Fed. R. Civ. Pro. 30(b)(1).

9. Since Plaintiff's counsel has unilaterally noticed the depositions of Janie Myles and Jacoby Cowan as she never provided the undersigned counsel with proposed dates for the depositions of Janie Myles or Jacoby Cowan prior to noticing

¹ Plaintiff's deposition was started on September 27, 2018, but will be completed on October 3, 2018.

said deposition, Hinds County and Sheriff Mason have not been afforded enough time to prepare for said depositions.

10. Counsel for Defendants contacted Plaintiff's counsel regarding the subject Motion and Plaintiff's counsel stated that Plaintiff is opposed to said Motion.

11. Based upon the foregoing and pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, Sheriff Mason and Hinds County request that this Court enter a Protective Order preventing the taking of the deposition of Jamie Myles.

WHEREFORE, PREMISES CONSIDERED, Defendants, Hinds County, Mississippi and Sheriff Victor Mason, respectfully request that this Court enter an order quashing the subpoenas issued by the Plaintiff for the purpose of taking Janie Myles and Jacoby Cowan's depositions and enter a protective order preventing the taking of the depositions of Jamie Myles and Jacoby Cowan without reasonable notice.

DATE: October 2, 2018.

Respectfully submitted,

**HINDS COUNTY, MISSISSIPPI
AND SHERIFF VICTOR MASON**

By: /s/ Katelyn A. Riley
One of Their Attorneys

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CERTIFICATE

I, the undersigned of Allen, Allen, Breeland & Allen, PLLC, hereby certify that on this day, I electronically filed the foregoing Motion to Quash and for Protective Order with the Clerk of the Court using the ECF system, which gave notice to:

Lisa M. Ross, Esq.
P.O. Box 11264
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lross@lmrossatlaw.com

This the 2nd day of October, 2018.

/s/ Katelyn A. Riley
OF COUNSEL